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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Deborah Smith,

Court File No. 08-12018-1

Plaintiff,

v.

NOTICE OF REMOVAL

Hilton Hotels Corporation d/b/a
HHC-Hilton Minneapolis H&T,

Defendant.

TO: UNITED STATES DISTRICT COURT, DISTRICT OF MINNESOTA

Defendant, Hilton Hotels Corporation, for its Notice of Removal of this case to the United States District Court for the District of Minnesota states as follows:

1. On or about November 24, 2008, Plaintiff effected service of a Second Amended Complaint upon Defendant.
2. Plaintiff's civil action is venued in the Minnesota State District Court of Hennepin County, Fourth Judicial District, Minnesota and is entitled *Deborah Smith v. Hilton Hotels Corporation d/b/a HHC-Hilton Minneapolis H&T*.
3. Attached as Exhibit A is a true and correct copy of the Second Amended Complaint served upon Defendant.
4. No further pleading or service has occurred following service of Plaintiff's Second Amended Complaint.
5. Prior to service of Plaintiff's Second Amended Complaint, Plaintiff brought an action against Defendants along with two other plaintiffs. Upon Defendant's Motion, the

SCANNED

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U.S. DISTRICT COURT Mpls

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Minnesota District Court of Hennepin County, Fourth Judicial District, ordered the three plaintiffs' claims be severed.¹ Attached hereto as Exhibit B is the Order dated October 31, 2008. This event permits the Court to exercise diversity jurisdiction as noted below.

6. This is a civil action over which federal jurisdiction is appropriate on the basis of diversity under 28 U.S.C. § 1332(a) because Plaintiff is a citizen of the State of Minnesota, Defendant Hilton Hotels Corporation is a Delaware corporation, and Plaintiff is seeking relief in excess of \$75,000.00.

7. This action is removed pursuant to 28 U.S.C. § 1441(a) and (b) because this Court has original jurisdiction on the basis of diversity.

8. On November 26, 2008, Defendant served a copy of this Notice of Removal upon Plaintiff's counsel of record, by depositing said Notice in the U.S. Mail addressed to Plaintiff's counsel of record.

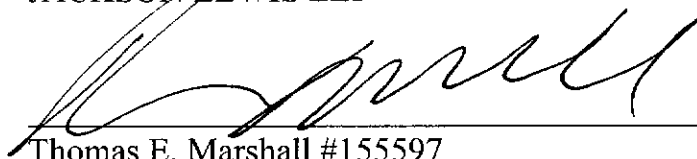
9. On November 26, 2008, Defendant filed a copy of this Notice of Removal with the Hennepin County Court Administrator, Fourth Judicial District, Minnesota by messenger.

WHEREFORE, Defendant respectfully requests that the above-entitled action now pending against it in the Minnesota State District Court, Fourth Judicial District, Hennepin County, Minnesota be removed therefrom to this Court.

¹ Plaintiffs also voluntarily dismissed claims prior to Defendants' Motion.

Dated: November 26, 2008.

JACKSON LEWIS LLP

A handwritten signature in black ink, appearing to read 'T. Marshall', is written over a horizontal line.

Thomas E. Marshall #155597

Katherine C. Bischoff #338266

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